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March 24, 1999

Honorable Council members
Council of the City of Los Angeles
c/o City Clerk's Office
Room 615, City Hall East
200 N. Main Street
Los Angeles, CA 90012

BUSINESS IMPROVEMENT DISTRICTS

At a regular meeting of the Board of Police Commissioners held March 23, 1999, this Board considered and approved the enclosed DRAFT report relative to modifying LAMC Section 52.34 - Private Patrol Service.

The Board requested an additional 21-days to discuss additional concerns with the BIDs and finalize the report.

Very truly yours,
BOARD OF POLICE COMMISSIONERS

A handwritten signature in black ink, appearing to read "Lupe Ortiz".

LUPE ORTIZ
Commission Executive Assistant

DRAFT

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INTRADEPARTMENTAL CORRESPONDENCE

March 18, 1999

BOARD OF
POLICE COMMISSIONERS
Approved 3.23.99
Secretary *[Signature]*

TO: Board of Police Commissioners

FROM: Executive Director Police Commission

SUBJECT: **BUSINESS IMPROVEMENT DISTRICTS**

It is **recommended** that the Board of Police Commissioners approve the following report and forward it to the City Council.

BACKGROUND

On March 16, 1999, the City Council adopted a motion by Councilmember Laura Chick which requested that the Police Commission report back within 15 days on how the requirements under LAMC Section 52.34 – Private Patrol Service – can be modified to coincide with the Mayor and Council's goals and objectives in creating Business Improvement Districts (BID); and, the Police Commission cease any enforcement efforts against the Downtown BID and its private patrol service until the matter has been reviewed by the City Council; and, the City Administrative Officer report back relative to the exemption of BIDs from Police Permit fees.

LAMC Section 52.34 makes it unlawful to engage in the business of maintaining or operating any private patrol service in the City of Los Angeles without first obtaining a permit as required by the State of California and a permit from the City. The Ordinance, amended on March 22, 1976, also gives the Police Commission the power to charge fees, require a surety bond and determine the appropriate uniform, equipment, badges, insignia, weapons, ammunition and motor vehicle. The Board also has the authority to make additional rules. In fact, on December 11, 1975, and amended on April 29, 1980, the Board adopted additional rules and regulations governing private patrols and private special officers which detail and enhance the requirements of LAMC Section 52.34

Business Improvement Districts came into existence subsequent to the enactment of the Ordinance and Board Rules. The most common method of financing these Districts is for the concerned property owners and/or businesses to levy a charge on each other which is then utilized to supplement City services, i.e., safety, sanitation, etc. With the exception of the Hollywood BID, which has applied for and received a Police Permit, the Downtown BID and other BIDs have not complied with LAMC Section 52.34. They maintain that their state license is all that is required. However, LAMC Section 52.34 requires an additional Police Commission Permit.

DISCUSSION

It is obvious that BIDs are an unqualified success. Every area where BIDs operate has experienced a decrease in crime and a decrease in the perception of crime. On March 8, 1999, the Board President and Executive Director had a productive meeting with Carol Schatz, CEO of the Downtown Center District BID, in which we agreed to explore methods to give BIDs flexibility while ensuring that public and officer safety is maintained. The following represents our attempt to satisfy that agreement:

Fees

The Police Commission does not have the authority to waive fees. Although the fees collected are cost neutral, which reflect the actual dollars spent for investigation and administration, only the City Council can authorize a waiver of fees.

Permits

Even if the City Council waives fees, the Ordinance obligates the Police Commission to require the private guard companies and individual private guards to obtain a permit. The Downtown Center District BID made over 4,000 police related contacts in 1998. For the safety of the public, it is **recommended** that Commission Investigation Division (CID) continue to do a background check on private guards. We have had instances in the past where applicants received a clean record check when applying for their state license but showed criminal activity when applying for their Police Commission Permit.

Uniforms

It is **recommended** that the Police Commission maintain authority over private guard uniforms while practicing great flexibility. The issue should always be, "Will the public confuse a private patrol guard with a regular police officer?" In the case of the Downtown BID's purple t-shirts and pith helmets, the obvious answer is "no." It is **recommended** that a variance be granted.

Vehicles

It is **recommended** that the Police Commission maintain authority over private guard vehicles so that there is no confusion by the public as to whether it is an official police vehicle. In the case of the Downtown BID's purple and white security patrol vehicle, there would not be a problem providing that the Police Permit number is applied to the vehicle, as per Rule 11. Therefore, it is **recommended** that the vehicle utilized by the Downtown BID be approved. However, the Police Commission does not have the authority to waive Vehicle Code Section 25279, which prohibits the activation of a flashing amber warning light while the vehicle is on the highway unless directed by a peace officer.

Equipment, Weapons and Ammunition

All equipment must be of a type previously approved by the Board of Police Commissioners.

Reports to Police

It is **recommended** that the Police Commission waive the responsibility of the BIDs to report all violations of the law to them, providing the BIDs continue to report the violations directly to the Police Department.

Submittal of Employee Lists

Currently, the private guard operators are required to submit an employee list to the Board four times a year. It is **recommended** that the Board reduce this requirement to twice a year for the BIDs.

Complaints against Private Guard Operators and Employees

It is **recommended** that these complaints continue to be forwarded and the investigation be conducted by members of the Department and be subject to review by the Board of Police Commissioners.

ARGUMENTS FOR

The BIDs play a vital role in promoting public safety and revitalizing an area. It is **recommended** that the Board approve the foregoing modifications of its rules for all BIDs.

ARGUMENTS AGAINST

The Board should take into account that guard companies operating outside a BID may object to more stringent rules. Granting BIDs modifications or exemptions to the Board's rules may be perceived as unfair.

RECOMMENDATION

It is **recommended** that the Board of Police Commissioners approve the items listed under "Discussion", forward this report to the City Council, and reaffirm to the Downtown Center District BID that, until the City Council takes action, the Police Commission will continue to cease enforcement efforts against that Downtown BID.



JOSEPH A. GUNN
Executive Director

Attachments

(Amended by Ord. No. 148,077, Eff. 3/22/76.) 52.34

(a) Definitions:

For the purpose of this article, certain terms used herein are defined as follows:

(1) Private Patrol Service.

The term "**private patrol service**" shall mean any person or association of persons, or, partnership, or corporation which furnishes or purports to furnish to members, subscribers, or customers any uniformed or special officer for the purpose of affording additional security and protection of person and property or to perform any other service directly related to the "**private protection of life and property**".

(2) Special Officer.

The term "**special officer**" shall mean any person who performs for a private patrol service the duties of a uniformed guard, uniformed watchman or uniformed patrolman whose primary function is patrolling from one location to another by City streets. This definition shall not apply to uniformed watchman, uniformed guards or uniformed caretakers employed by an entity other than a private patrol service, such as by industrial plants, department stores, community associations, or private clubs wherein said function does not require patrolling from one location to another by use of a City street, nor shall it apply to persons employed by such an entity solely in connection with the commercial, public, or professional business of such an entity.

(b) Private Patrol Service Permit.

(1) Requirement.

It shall be unlawful to engage in the business of maintaining or operating any private patrol service in the City of Los Angeles without first obtaining a permit as required by the State of California and a permit from the City.

(2) Applications for Permits.

A. Fees. An application for a permit to operate, maintain and conduct a private patrol service business in the City shall be filed together with an application fee with the Permit Section of the City Clerk's Office on forms supplied by the City. In addition thereto, a separate application signed and verified by the applicant shall also be filed with the Police Commission, and said application shall state the name, address and organization of the private patrol service, its method of operation, the territory or location it proposes to serve, the names, addresses and physical description of its officers, members, associates and employees, and such other identification and information including, but not limited to, fingerprints and recent photographs of the applicant, its officers, members, associates, and employees as may be deemed necessary by Board of Police Commissioners.

B. Surety Bond. The application for a permit for a private patrol service as required by this Article must be accompanied by a surety bond underwritten by a corporate surety admitted to do business in California, in a form approved by the City Attorney, in the sum of \$15,000 blanket coverage for each and all employees, officers, members or associates of the private patrol service. The bond shall be conditioned upon the faithful and honest conduct of the business of private patrol service by the permittee and also conditioned upon faithful compliance with this Code, each and all of the ordinances of the City and the laws of the State of California in force, or which may thereafter be adopted, relating to the business of private patrol service. The permittee and sureties named in the bond, and their successors and assigns, shall be jointly and severally liable to the City and to any person, firm or corporation for damages suffered by reason of the wrongful acts of the permittee, its officers, associates,

members, or employees in breach of the conditions of the bond. The bond shall not be void upon any one or more recoveries thereunder, but may be sued and recovered upon from time to time by any person, firm or corporation aggrieved or damaged, to the extent thereof. The bond shall be renewed to its original amount on each annual anniversary thereof. Notice of any proposed cancellation of the bond shall be sent by registered mail to the Insurance and Bonds section of the Office of the City Attorney and to the Board of Police Commissioners not less than 30 days in advance of the cancellation date.

C. State License Bond. Before a permit for a private patrol service is issued, the applicant shall furnish the Board of Police Commissioners with a photostatic or certified copy of his State of California License and Bond evidencing that he has complied with State laws relating to the business of private patrols.

D. Insurance. A private patrol service shall furnish evidence of the following insurance with the Board of Police Commissioners upon request: workers' compensation, general liability insurance, automobile insurance and false arrest insurance in amounts to be determined by the Board.

(c) Special Officers.

(1) Registration.

Each special officer must be currently registered with the Bureau of Collection and Investigation Services of the State of California as required by Section 7514(f) of the Business and Professions Code of the State of California. The private patrol service will be responsible for each special officer to be registered and to carry proof thereof at all times while on duty. If at any time a special officer while on duty for such a private patrol service cannot produce a temporary or permanent State registration when requested by a City police officer, the private patrol service may be subject to suspension or revocation of its Police permit privilege to operate within the City.

(2) Permit. (Amended in Entirety, Ord. No. 158,407, Eff. 11/20/83.)

A. Any employee, or any officer or member or associate of a private patrol service who performs the service of a Guard, Watchman, Patrolman or other private patrol function whose duties involve patrolling from one location to another by City streets must possess a valid Special Officer's permit at all times as issued by the Police Commission.



Next Page

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B. In addition to or in lieu of a Board-issued temporary permit authorized by Section 103.06(b), a temporary permit not to exceed 45 days may be issued to an applicant by the Secretary of the Board provided the following conditions are met:

a. An application for permit is on file at the main office of the City Clerk and all permit fees have been paid; and

b. A preliminary investigation by Commission staff does not reveal information which would normally constitute grounds for denial; and

c. The applicant possesses a valid permanent or temporary California State Guard Registration Card, and State Firearms Permit, if the applicant intends to carry a firearm; and

d. The applicant possesses a valid California Driver's License.

The Secretary of the Board may suspend such temporary permit at any time if the Secretary has reason to believe that any of the above conditions have not been met. The Secretary shall notify the applicant in writing of the reasons for any such suspension, and the application for a permanent permit shall continue to be processed according to provisions of this code and any applicable rules and regulations of the Board.

(3) Uniform, Equipment, Badges, Insignia.

A. No badge, insignia or uniform shall be used or worn by any employee, officer, member or associate of a private patrol service, while on duty for said patrol service, which is of such a design as to be mistaken for an official badge, insignia or uniform worn by a law officer of any city, county, or state agency within its jurisdiction. The applicant or permittee shall submit to the Board of Police Commissioners a sample of the insignia intended to be used in the conduct of the private patrol service involved. The Board of Police Commissioners shall approve the color of the proposed uniform and shall issue upon payment therefor a form of badge, which shall not contain the word "police". While engaged in the performance of duties, a special officer shall wear and display the badge issued pursuant to this section and insignia on the outside of his or her uniform in a clearly visible manner. Badges issued pursuant to this section shall not be altered, modified or defaced or be used, worn or displayed in such condition. Any badge issued hereunder which is in need of repair or replacement or otherwise not authorized for use shall be immediately returned and delivered to the Board of Police Commissioners or its representative. It shall be unlawful for anyone other than a permittee hereunder to use, wear or display a badge issued pursuant to this section. No insignia shall be worn if the sample thereof submitted to the Board of Police commissioners has been determined by the Board to be in violation of this section.

B. The Board of Police Commissioners shall specify the police-type equipment, including weapons and ammunition, which a special officer may carry while on duty, and it shall be unlawful for a special officer to carry, wear, or to use any such equipment, including weapons and ammunition, while on duty if such is of a type not previously approved by the Board of Police Commissioners for said officer.

The use of any firearm and ammunition, by a special officer, shall be of a brand name, model and caliber as approved by the Board of Police Commissioners or its agent.

No special officer shall carry any firearms in the performance of his or her duties unless he or she has completed the course of training specified in Section 7514.1 of the Business and Professions Code of the State of California.

(d) Motor Vehicle.

The Board of Police Commissioners or its agent shall approve the type or character of identification markings or insignia required hereunder to be placed on any motor vehicle used in the operation of any private patrol service. A private patrol operator shall not use or permit to be used for purposes of patrolling, any vehicle which is not marked and identifiable with approved markings or insignia in accordance herewith and with rules and regulations adopted by the Board of Police Commissioners. No vehicle used by a private patrol service shall be equipped with a red light, siren, or be painted in a manner similar to a police vehicle of the City of Los Angeles or other law enforcement agency with jurisdiction in the City.

(e) Reports to Police.

Every private patrol service operator and every special officer shall immediately make a report to the Police Department and to the Board of Police Commissioners of any violation of the Los Angeles Municipal Code, or State, or federal law which comes to his or her attention, with the exception of minor traffic offenses. The private patrol service shall also immediately report to the Police Department any weapon discharge or arrest made within the City, by any employee, officer member, or associate of the private patrol service.

(f) Authority to Make Rules and Regulations.

The Board of Police Commissioners shall have the authority to make rules and regulations not inconsistent with this chapter concerning private patrol services and special officers.

(g) Permits; Nontransferable.

Next Page



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(g) Permits; Nontransferable.

Permits issued under this article are not transferable. This section shall not be construed to prohibit the owner of a private patrol service from selling, assigning or transferring such service, however any new owner, transferee, or assignee shall be required to qualify under this article before commencing operations or carrying on business as a private patrol service.

(h) Licenses and Fees Not Exclusive.

Fees and permits required by this article shall be in addition to any license, permit or fee required under any other chapter of this code.

SEC. 52.37.1. USE OF OFFICIAL POLICE TITLES BY PRIVATE AGENCIES - SIMILAR SUBTERFUGES - PROHIBITED.

(a) "Chief Detectives," "Chief of Detective Bureau."

No person shall use the title "Chief of Detectives" or "Chief of Detective Bureau" alone or in connection with any other term, phrase, symbol, initial or language, in carrying on any private business, employment or activity.

(b) Other Police Titles.

No person shall, in connection with any private business, employment or activity, use the title "Chief of Police," "Police Chief," "Detective" or any other title or designation whatever calculated to indicate an official connection with the Police Department of this city or with the police force of any other government or government agency, unless accompanied by additional language clearly displaying without the use of initials or symbols, the identity of the private agency or employer on whose behalf the user of the title or designation is acting or purporting to act.

(c) Police Operations.

No person, other than a regular police officer of the City of Los Angeles, shall, for any purpose whatsoever, represent himself, or falsely represent another, to be a member of the Police Department of this city, or use any sign, word, language or device calculated to induce a false or mistaken belief that he is acting or purporting to act on behalf of the Police Department of this city within the scope of any real or purported duty thereof.

(d) Collections, etc.

No person other than a regular police officer of this city, acting within the scope and course of his official duties, shall use any sign, badge, title or designation, or make any express or implied representation, calculated to induce the belief that he is a member of the police force of this city, or

RULES AND REGULATIONS GOVERNING PRIVATE PATROLS AND PRIVATE PATROL SPECIAL OFFICERS

(IN ADDITION TO STATE LAWS AND CITY ORDINANCES)

PRIVATE PATROL PERMIT: No person shall manage, conduct or carry on the business of a Private Patrol unless under and by authority by a written permit from the Board.

1. Each permittee shall have and maintain a business address and/or an emergency telephone number where a company representative is immediately available to members of the Los Angeles Police Department on a 24 hour per day basis.
2. No advertisement of any kind shall in any way imply that the patrol service is a part of the Los Angeles Police Department or any other law enforcement agency, or under contract or in any other way connected therewith.
3. A copy of any advertisement, notice, or card used by a permittee shall be submitted to the Board of Police Commissioners.
4. Unless prior exemption in writing is granted by the Board of Police Commissioners, all members of a Private Patrol shall be in full Private Patrol uniform at all times when performing any duty or service incidental to the operation of a Private Patrol.
5. The wearing or displaying of the badges and/or weapons and the carrying of loaded weapons by a private patrol operator, his employee, or self-employed Special Officer is prohibited except while performing services as a Private Patrol Special Officer.
6. Only assigned badges issued by the Board, shall be worn by the Private Patrol operator, his employees, and self-employed Special Officers, when performing services as a Special Officer.
7. Badges issued by the Board shall only be worn by the Special Officer to whom the badge was issued.
8. Any uniform worn by the permittee's employees shall be slate grey in color.
9. Hat emblems or pieces shall be uniform for each employee of a patrol service, and shall be silver in color and of a design approved by the Police Commission or its agent.
10. Employee address changes shall be maintained by the permittee and are subject to inspection by the Board or its agent.
11. Each vehicle used for the purpose of patrolling shall have the following: The Police Commission number issued to the permit holder, in no less than 3 inch letters and numerals, in at least three places; one on the lower outside portion of the driver's door; one on the lower outside portion of the passenger's door on the right side of the vehicle; and one on the outside rear section of the vehicle and these shall be clearly visible and readable from 50 feet. These letters and numerals shall be permanently attached.
Note: It shall be the responsibility of the permit holder to remove or cause to be removed said letters and numerals upon sale or transfer of said vehicle to a non-patrol function.
12. Each holder of a Private Patrol permit shall hold monthly inspections of all uniforms, required identification cards, badges, equipment, ammunition, and weapons. Records of inspections shall be maintained for a period of one year and be available to the Commission or their agent upon request thereof.
13. All Private Patrol operators and self-employed Special Officers shall prepare and deliver an employee list to the Board four (4) times per year. The employee list shall be received by the Board no later than January 10th, April 10th, July 10th, and October 10th of each calendar year. The employee list shall include the employee's name, Police Commission number, Police Commission Badge number, State Identification number and other State required certifications (i.e., Firearms, Baton, Chemical agents, etc.).
14. When a Special Officer has severed employment with any private patrol, or has ceased to perform the duties which require the issuance of a Special Officer's identification card and badge, the Special Officer's employer, or if self-employed, the Special Officer, shall, within ten (10) days of termination, return the Special Officers identification card and badge to the Police Commission. The identification card and badge remain the property of the Los Angeles Police Department.
Note: The private patrol company employing the Special Officer shall act as the authorized agent of the Board for the sole purpose of obtaining and returning the terminated employee's identification card and badge.
15. Upon request, in connection with his duties, a Special Officer shall identify himself as a Special Officer and give his name, badge number, and employer's name. At no time shall he so conduct himself by word or manner as to lead others to believe that he possesses the power to enforce Traffic Regulations or issue Traffic Citations, and he shall not interfere with or attempt to influence the lawful business of any person.
16. A Board Rule which is ruled to be invalid by a Court of competent jurisdiction shall not invalidate the remaining Board Rules.
17. The Private Patrol operator shall forward copies of all complaints regarding the activities of that Private Patrol permittee and or his agents. These shall be investigated by members of the Los Angeles Police Department, and are subject to review by the Board of Police Commissioners.
18. Each holder of a Private Patrol permit shall keep posted in a conspicuous location in his local place of business a copy of these rules and a copy of the rules and laws regulating Private Patrol Officers and shall keep copies thereof also available for review at the main place of business of said operator.
19. Violation of any of these rules, or the violation of any State and/or local law in connection with the operation of a Private Patrol, may be cause for suspension and/or revocation of the permit held by the Private Patrol operator or their employees.

Adopted by the Board of Police Commissioners at a regular meeting of December 11, 1975.
Amended April 29, 1980.

Warning Lights on Private Security Agency Vehicles

25279. (a) Vehicles owned and operated by private security agencies and utilized exclusively on privately owned and maintained roads to which this code is made applicable by local ordinance or resolution, may display flashing amber warning lights to the front, sides, or rear, while being operated in response to emergency calls for the immediate preservation of life or property

(b) (1) *Vehicles owned by a private security agency and operated by personnel who are registered with the Department of Consumer Affairs under Article 3 (commencing with Section 7582) of Chapter 11.5 of Division 3 of the Business and Professions Code may be equipped with a flashing amber warning light system while the vehicle is operated on a highway, if the vehicle is in compliance with Section 27605 and is distinctively marked with the words "PRIVATE SECURITY" or "SECURITY PATROL" on the rear and both sides of the vehicle in a size that is legible from a distance of not less than 50 feet.*

(2) *The flashing amber warning light system authorized under paragraph (1) shall not be activated while the vehicle is on the highway, unless otherwise directed by a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.*

(c) *A peace officer may order that the flashing amber warning light system of a vehicle that is found to be in violation of this section*

be immediately removed at the place of business of the vehicle's owner or a garage.

(d) *A flashing amber warning light system shall not be installed on a vehicle that has been found to be in violation of this section, unless written authorization is obtained from the Commissioner of the California Highway Patrol.*

Amended Sec. 78, Ch. 1154, Stats. 1996. Effective September 30, 1996, by terms of an urgency clause.

The 1996 amendment added the italicized material.